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EXAMINER
JAMA, ISAAK R

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 November 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-12</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Claims 1-12 are pending in this application.

2.   Claims 1, 3, 8 and 12 are amended.

3.   Applicant's arguments with respect to claims 1-12 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent Application Publication Number 2005/0165795 (Myka et al.) in view of U. S.

Patent Number 7,260,646 (Stefanik et al.) and further in view of U.S. Patent Number

6,832,242 (Keskar)

5.   Regarding claim 1, Myka teaches a method for sharing at least one media file of

a portable communication device with a set of electronic communication devices

[Figure 1, # 20 and #s 40A-40E, page 4, paragraphs 0037 & 0040 – Myka],

comprising: detecting a setting by a user of the set of devices **[Page 4, paragraph 0041**

– Myka]; generating the at least one media file by the portable communication device

[Page 5, paragraph 0044 – Myka]; providing information together with the media file,

the meta information being information in relation to the electronic communication

devices of the set **[Page 5, paragraph 0044 – Myka]**, which were located in the region

of the portable communication device, at the time of the generation of the at least one

media file **[Page 5, paragraph 0049 – Myka]**. In addition, Stefanik teaches a method of

software distribution among hand held computers via file sharing with link references to

a web site for complete software versions **[Title, Figure 5B, # 484 – Stefanik]**. But both

Myka and Stefanik fail to teach that media file is a picture or that the media file is

automatically shared. Keskar teaches a system and method for automatically sharing

information between handheld devices **[Title]** whereby automatically sharing user-

relevant information between handheld devices is initiated by a recipient **[Column 12,

lines 42-43]**, and that the sharable items may, for example, include mail messages,

non-executable files (word processing documents, spreadsheets, slides, pictures, etc.),

executable files, web pages being browsed, contact information, and common data

found on a palm-size PDA **[Column 9, lines 48-52]**. Therefore, it would have been

obvious to a person of ordinary skill in the art at the time the invention was made to

include the automatic sharing of information method of Keskar of method in the

combined methods of Myka and Stefanik in order to allow users of handheld devices to

automatically share user-relevant information between them.

3.   Regarding claim 2, Myka further teaches a method wherein the region is within a

radius from the portable communication device **[Page 5, paragraph 0045 – Myka]**.

4.   Regarding claim 3, Myka further teaches a method for detecting a setting

comprises detecting a pairing of the portable communication device with at least one

electronic communication device of the set of devices, made under the control of the

user **[Figure 7A, step 210; page 8, paragraph 0102 – Myka]**.

5.   Regarding claim 4, Myka further teaches a method for detecting the pairing

comprises initiating a connection between the portable communication device and the

paired electronic communication devices **[Page 4, paragraph 0041 – Myka]**, and

wherein the step of distributing further comprises distributing the media file over the

initiated connection **[Page 5, paragraph 0051 and page 6, paragraph 00059 – Myka]**.

6.   Regarding claim 5, Myka in view of Stefanik teach a method for distributing, at

least a link **[Title, Figure 5B, # 484 – Stefanik]** further comprises distributing the media

file to at least the electronic communication devices **[Page 4, paragraph 0037 – Myka]**

that were located in the region of the portable communication device, at the time of the

generation of said the at least one media file **[Page 5, paragraph 0049 – Myka]**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to include the web link distribution method of Stefanik in the

combined methods of Myka and Keskar in order to allow users to share media files.

7.   Regarding claim 6, Myka further teaches a method in which the connection is a

wireless connection **[Page 4, paragraph 0041 – Myka]**.

8.   Regarding claim 7, Myka further teaches a method in which the connection is a

Bluetooth Wireless Technology connection **[Page 6, paragraph 0059 – Myka]**.

9.   Regarding claim 8, Myka teaches a portable communication device for sharing at

least one media file with a set of electronic communication devices **[Figure 1, # 20 –**

Myka] the portable communication device comprising: a media unit, configured to

generate a media file **[Figure 2, # 28 – Myka]**, a control unit, connected to the media

unit, configured to detect a setting of the set of electronic communication devices, by a

user, to provide meta information together with the media file in relation to the electronic

communication devices of the set, which were located in the region of the portable

communication device, at the time of the generation of the at least one media file

(Figure 2, # 22, pages 4 & 5, paragraph 0042; i.e. data processor that executes a

bonding application that provides for the bonding of the digital devices – Myka). In

addition, Stefanik teaches a method of software distribution among hand held

computers via file sharing with link references to a web site for complete software

versions **[Title, Figure 5B, # 484 – Stefanik]**. But both Myka and Stefanik fail to teach

that media file is a picture or that the media file is automatically shared. Keskar teaches

a system and method for automatically sharing information between handheld devices

[Title] whereby automatically sharing user-relevant information between handheld

devices is initiated by a recipient **[Column 12, lines 42-43]**, and that the sharable items

may, for example, include mail messages, non-executable files (word processing

documents, spreadsheets, slides, pictures, etc.), executable files, web pages being

browsed, contact information, and common data found on a palm-size PDA **[Column 9,

lines 48-52]**. Therefore, it would have been obvious to a person of ordinary skill in the

art at the time the invention was made to include the automatic sharing of information

method of Keskar of method in the combined methods of Myka and Stefanik in order to

allow users of handheld devices to automatically share user-relevant information

between them.

10.   Regarding claim 9, Myka further teaches that the wireless communication unit

associated with the portable communication device is connected to the control unit

[page 5, paragraph 0042; i.e. data processor that executes a bonding application

that provides for the bonding of the digital devices – Myka].

10.   Regarding claim 10, Myka further teaches a portable communication device

according to claim 8, wherein the wireless communication unit is a Bluetooth Wireless

Technology unit [**Page 6, paragraph 0059 – Myka**].

11.   Regarding claim 11, Myka further teaches a portable communication device,

according to claim 8, wherein the portable communication device is a mobile phone

[Figure 1, # 20, page 4, paragraph 0039 – Myka].

12.   Regarding claim 12, Myka teaches a computer program product comprising a

computer readable medium, having computer readable program code embodied

therein, the computer readable program product comprising **[Page 11, paragraph 0135**

– Myka]: computer readable program code configured to detect a setting of a set of

electronic communication devices computer readable program code configured to

generate said the at least one media file by said the first portable communication device

[Claim 37 – Myka], computer readable program code configured to provide meta

information together with the media file, the information being meta information in

relation to the electronic communication devices of the set, which were located in the

region of the portable communication device, at the time of the generation of the at least

one media file **[Claim 41 – Myka]**. Myka further teaches the sharing of media file

[Paragraph 0039] with other devices **[Figure 1, #s40A-40E; paragraph 0037]**. In

addition, Stefanik teaches software distribution among hand held computers via file sharing with link references to a web site for complete software versions **[Title, Figure 5B, # 484 – Stefanik]**. But neither Myka nor Stefanik specifically teach that media file is a picture or that the media file is automatically shared. Keskar teaches a system and method for automatically sharing information between handheld devices **[Title]** whereby automatically sharing user-relevant information between handheld devices is initiated by a recipient **[Column 12, lines 42-43]**, and that the sharable items may, for example, include mail messages, non-executable files (word processing documents, spreadsheets, slides, pictures, etc.), executable files, web pages being browsed, contact information, and common data found on a palm-size PDA **[Column 9, lines 48-52]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the automatic sharing of information method of Keskar of method in the combined methods of Myka and Stefanik in order to allow users of handheld devices to automatically share user-relevant information between them.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ISAAK R. JAMA whose telephone number is (571)270-

5887. The examiner can normally be reached on 7:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IRJ/

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617